



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,654	04/02/2004	Andrew D. Carlson	2122.020	9657

21917 7590 03/01/2006

MCHALE & SLAVIN, P.A.  
2855 PGA BLVD  
PALM BEACH GARDENS, FL 33410

EXAMINER
----------

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
----------	--------------

3616

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,654	<b>Applicant(s)</b> CARLSON, ANDREW D.	
	<b>Examiner</b> Eric Culbreth	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

a. In Figure 3 and on page 17, line 10 line 1-1 should be 4-4, as a section line should be named for the figure it represents.

b. Figure 1 should be labeled "Prior Art", as all the parts shown in Figure 1 are prior art (note page 19, line 6).

c. Reference numeral 126 represents both an aperture and a cavity (compare Figures 2 and 4, and page 20, lines 10 and 19). A reference numeral should refer to only one part of the invention. The entire specification and drawings should be carefully reviewed and corrected (note, for instance, page 24, line 6).

d. Figure 2 should include dashed lines showing how the parts fit together.

e. Generally, because there are not dashed lines in Figure 2, the assembly of Figure 2 is confusing. In fact, the disclosure contradicts Figure 2. In Figure 2, there is a circular hole on plate 108 that is apparently meant to match with the circular hole illustrated but not labeled behind the elongated hole in the lower left corner of the plate 102, but there is no hole in mounting 24 that matches these two holes so that a fastener can connect the two circular holes. Moreover, the specification indicates, as does the location of plate 108 in Figure 2, that the fastener extending from plate 108 passes through the lower left elongated slot in mounting member 24, but claim 1, lines 9-11 from the end state that the aperture in the plate cooperates with the drilled aperture, which would be 126 in Figure 2. Generally, it is not clear how Figure 2 and hence the invention is assembled.

f. Apparently, at page 23, line 12 "150" should be inserted after "heads" (currently, reference numeral 150 in Figure 8 is not mentioned in the specification).

g. The circular aperture illustrated in the lower left corner of plate 102 in Figure 2 is not shown in Figure 3 and is not mentioned in the specification.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the aperture on the lower plate arranged to cooperate with the drilled aperture (claim 1, lines 9-11 from the end of the claim), the four threaded nuts (claim 1, lines 4-5 from the end of the claim), the features of claim 7, and the rounded corner abutting an inner fender wall (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The disclosure is objected to because of the following informalities:

- a. On page 3, line 4 "things," should be "things:".
- b. On page 3, line 8 ", however" should be "; however".
- c. On page 14, line 21 "drivers" should be "driver's".
- d. On page 17, line 3 "a" should precede "strut".
- e. On page 20, line 2 it is not clear what is meant by "fillet".
- f. On page 21, line 7 "a" should precede "substantially".
- g. On page 23, line 18 "Not" should be "not".

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support for claim 1, lines 9-11 from the end of the claim, means for preventing rotation in claim 6, and the features of claim 7.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As noted above, Figure 2 and the specification contradict claim 1, lines 9-11 from the end. As also noted above, it is not clear how the circular holes on plates 102 and 108 could cooperate as they are not illustrated as aligned with hole 126 in mounting member in Figure 2. Generally, the drawings, claims and specification should be carefully reviewed to conform with adding new matter. As the features of claims 6 and 7 are not even discussed in the specification, the skilled artisan could make the invention of these claims.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1, lines 11-12 and 13 there is no antecedent basis for "said upper end", as each strut was earlier recited in the claim as having a top end, not an upper end.

b. In claim 1, line 23, it is not clear which said mounting member camber slots are being referred, as left and right mounting member with camber slots were earlier recited in the claim.

c. In claim 1, lines 29-30 it is inaccurate to recite the caster slots as having substantially parallel and transverse axes to the secondary camber slots (they are transverse but not substantially parallel).

d. In claim 1, line 31, it is not clear which strut axis is meant (left and right strut axes were previously recited in the claim).

e. In claim 1, line 41 the recitation of "a strut member" is a double inclusion of the left and right struts recited earlier in the claim.

f. In claim 1, lines 45-46 it is not clear which said mounting member top surface is meant (two were previously recited).

g. In claim 1, line 14 from the end of the claim it is not clear which mounting member is meant.

h. As noted above, claim 1, lines 9-11 from the end of the claim would not appear to be accurate to the invention.

i. Because the features of claim 6 are not discussed in the disclosure, it is not clear what the means for preventing rotation is in claims 6-7, especially in view of the confusion in the drawings over plate 108 and the apertures.



- j. In claim 7, line 5 it is not clear which mounting member and strut tower is meant, as left and right ones were recited in claim 1.
- k. In the last line of claim 8 it is not clear which strut tower is meant.
- l. Throughout claims 14-17, it is not clear which strut axis is meant, as plural strut axes were previously recited.

### ***Allowable Subject Matter***

- 10. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.
- 11. Claims 2-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Culbreth  
Primary Examiner  
Art Unit 3616

ec